
IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Application Number: 10/522,320
371(c) Date: October 17, 2005
Applicants: John L. Schenk and Allison C. Lindsey
Title: Sperm Cell Process System
Examiner: Tiffany M. Gough
Art Unit: 1657
Assignee: XY, Inc.
Attorney Docket: XY-Optimum-USNP
Customer No.: 33549
Confirmation No.: 6962

**REQUEST FOR CONTINUED EXAMINATION
PURSUANT TO 37 C.F.R. § 1.114**

The Assignee hereby submits the following as a Request for Continued Examination pursuant to 37 C.F.R. § 1.114. This submission is in response to the Office Action dated April 1, 2009. A shortened statutory period of 3 months has been set, making a response to this action due on or by July 1, 2009. The Assignee is requesting that this time period be extended for two months to and including September 1, 2009 and has included a Petition for Extension of Time along with the prescribed fee. This Request for Continued Examination is appropriate because:

- i) this request is made prior to payment of the issue fee [37 C.F.R. § 1.114 (a)(1)];
- ii) the application has not been abandoned [37 C.F.R. § 1.114 (a)(2)];
- iii) no notice of appeal has been filed [37 C.F.R. § 1.114 (a)(3)];
- iv) prosecution on the application is closed by either a final action or issuance of a notice of allowance [37 C.F.R. § 1.114 (b)];
- v) this application is not a provisional application [37 C.F.R. § 1.114 (e)(1)];
- vi) this is not a utility patent application filed before June 8, 1995 [37 C.F.R. § 1.114 (e)(2)];

- vii) this application is not an international application filed under 35 U.S.C. § 363 before June 8, 1995 [37 C.F.R. § 1.114 (e)(3)];
- viii) this application is not a design patent application [37 C.F.R. § 1.114 (e)(4)]; and
- ix) this is not a patent under reexamination [37 C.F.R. § 1.114 (e)(5)].

This response is made in accordance with 37 C.F.R. § 1.121 using the format with each heading beginning on a separate page as follows:

1. Amendments to the Claims begin on page 3 of this reply; and
2. Remarks begin on page 7 of this reply.